



CITY OF BOSTON • MASSACHUSETTS

**OFFICE OF THE MAYOR
THOMAS M. MENINO**

**EXECUTIVE ORDER
OF
MAYOR THOMAS M. MENINO**

**An Order Relative to the Provision of Mitigation
by Development Projects in Boston**

I, Thomas M. Merino, Mayor of Boston, order that relevant City agencies and departments immediately create and implement policies to ensure that the developer of any proposed project subject to Large Project Review as defined in Article 80 of the Boston Zoning Code ("Proposed Project") follows the explicit process, hereinafter set forth, with the Boston Redevelopment Authority ("BRA") in the determination of any and all impacts of the Proposed Project and appropriate mitigation efforts. Mitigation efforts ("Mitigation Efforts") shall be generally defined as mitigation of environmental impacts through physical enhancements to the Proposed Project or affected areas, or mitigation of social impacts through the provision of community and public benefits. Proposed Mitigation Efforts shall consider both local impacts on and needs of the immediate area surrounding the Proposed Project as well as impacts on and needs of neighborhoods throughout Boston.

I further order that the following process be adopted by relevant City agencies and departments with respect to Proposed Projects:

1. A Letter of Intent ("Letter of Intent") detailing the location, use, size, general description, potential zoning relief, and other relevant information regarding a Proposed Project must be submitted to the BRA prior to the submission of a Project Notification Form ("PNF").
2. Following the Letter of Intent but prior to the submission of a PNF, and upon the recommendation of the BRA, I shall appoint an Impact Advisory Group ("IAG") composed of up to nine (9) members to advise the BRA with respect to appropriate Mitigation Efforts. The IAG will continue until completion of the IAG draft Cooperation Agreement review period as described below. A majority of IAG members shall be residents, business owners, or designees of community organizations in the geographic area determined by the BRA as impacted by the Proposed Project. Any neighborhood

Councils serving within the impacted area shall be represented on the IAG. In addition, the city councilor, the state representative, and the state senator in whose districts the project is located will each be allowed seven (7) days to nominate three (3) representatives, from whom the Mayor will select one (1). Residents may also nominate individuals for consideration as IAG members.

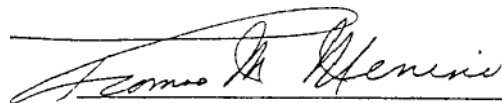
3. If an IAG is appointed, the members of the IAG shall be invited to attend the Scoping Session on the Proposed Project and the views of the IAG regarding impacts of the Proposed Project and Mitigation Efforts of the developer will be given significant weight by the BRA as it drafts the Scoping Determination.
4. Where the BRA deems it necessary and appropriate, prior to issuing a Certification of Compliance for a Proposed Project the BRA shall enter into a Cooperation Agreement with the developer that shall include the nature and extent of all Mitigation Efforts. The BRA shall not enter into such Cooperation Agreement until the IAG members have been given fifteen (15) days to review the draft Cooperation Agreement and provide comment.
5. Only agreements made by the developer within the Article 80 review process and to which the BRA is a party will have bearing on the developer's Mitigation Efforts as determined by the BRA and will be included within the Cooperation Agreement.
6. Prior to the completion of a Proposed Project, the developer shall obtain from the BRA a Certification of Mitigation Compliance for the Proposed Project detailing the fulfillment to date of the terms of the Cooperation Agreement.

I further order that the provision of Mitigation Efforts by a developer should, whenever possible, be in the form of specific, tangible enhancements, projects, or programs completed by the developer. At the discretion of the BRA, the developer may offer a financial contribution, to be held in escrow by the BRA, to support social programs and community initiatives.

I further order that the determination of Mitigation Efforts be fair and reasonable, that mitigation for environmental impacts of a Proposed Project be comprehensive, and that mitigation for social impacts be appropriate and not excessive. Mitigation Efforts should ensure that the positive benefits of a Proposed Project outweigh the negative impacts of said project. No amount of Mitigation Efforts shall allow for the approval of an otherwise unacceptable project.

I further order that relevant City agencies and departments create and implement policies to ensure that any residential project developed under or receiving funds from the Mitigation Efforts of a Proposed Project be subject to all fair housing regulations and affirmative marketing procedures.

I request the BRA to adopt the above Order as its policy in connection with Proposed Projects.



Thomas M. Menino
Mayor of Boston
Dated:

10/10/00